

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 121655	FOR FURTHER ACTION	See item 4 below
International application No. PCT/AU2004/001803	International filing date (<i>day/month/year</i>) 22 December 2004 (22.12.2004)	Priority date (<i>day/month/year</i>) 22 December 2003 (22.12.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant COCHLEAR LIMITED		

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																																																																																																												
<p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15px; text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> <td style="width: 15px; text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td>Box No. I</td> <td>Basis of the report</td> <td></td> </tr> <tr> <td>Box No. II</td> <td>Priority</td> <td></td> </tr> <tr> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> <td></td> </tr> <tr> <td>Box No. IV</td> <td>Lack of unity of invention</td> <td></td> </tr> <tr> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> <td></td> </tr> <tr> <td>Box No. VI</td> <td>Certain documents cited</td> <td></td> </tr> <tr> <td>Box No. VII</td> <td>Certain defects in the international application</td> <td></td> </tr> <tr> <td>Box No. VIII</td> <td>Certain observations on the international application</td> <td></td> </tr> </table>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Box No. I	Basis of the report											Box No. II	Priority											Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability											Box No. IV	Lack of unity of invention											Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement											Box No. VI	Certain documents cited											Box No. VII	Certain defects in the international application											Box No. VIII	Certain observations on the international application										
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<p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>																																																																																																												

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 26 June 2006 (26.06.2006)</p> <p>Authorized officer Dorothée Mülhausen e-mail: pt01@wipo.int</p>
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PATENT COOPERATION TREATY

REC'D	06 APR 2005
WIPO	PCT

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

F B Rice & Co
605 Darling Street
BALMAIN NSW 2041

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing (day/month/year)		30 MAR 2005
Applicant's or agent's file reference		FOR FURTHER ACTION
121655		See paragraph 2 below
International application No.	International filing date (day/month/year)	Priority date (day/month/year)
PCT/AU2004/001803	22 December 2004	22 December 2003

International Patent Classification (IPC) or both national classification and IPC

Int. Cl. ⁷ H04R 25/00

Applicant

COCHLEAR LIMITED et al

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU	Authorized Officer
AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	JAMES WILLIAMS Telephone No. (02) 6283 2599

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/001803

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/001803

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 1-66	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 1-66	NO
Industrial applicability (IA)	Claims 1-66	YES
	Claims	NO

2. Citations and explanations:

Novelty

None of the citations in the International Search Report, individually, disclose all of the essential features of the claimed invention.

Inventive Step

D1: US 5,824,022

D1 discloses a cochlear stimulation system employing behind-the-ear speech processing with remote control.

D1 discloses a remote control that is connected via a radio link with the behind-the-ear (BTE) speech processor and issues the processor with control signals. Both the remote and the BTE speech processor contain a battery and user interfaces.

The only difference between the present invention and the cited prior art is the use of a radio link instead of a hard-wired solution. And this solution is also introduced by the applicant in Claim 11. Therefore the claims 1-66 do not involve an inventive step.